

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

-----X
:
In re : Chapter 9
:
CITY OF DETROIT, MICHIGAN, : Case No. 13-53846
:
Debtor. : Hon. Steven W. Rhodes
:
:
-----X

**OBJECTION OF FINANCIAL GUARANTY
INSURANCE COMPANY TO *EX PARTE* MOTION OF THE
ATTORNEY GENERAL FOR ORDER ALLOWING RESPONSE BRIEF**

Financial Guaranty Insurance Company (“**FGIC**”) files this objection (the “**Objection**”) to the *Ex Parte Motion of the Attorney General for Order Allowing Response Brief to Joint Pretrial Brief of Bond Insurers*, filed on September 19, 2014 [Docket No. 7589] (the “**Motion**”). In support of the Objection, FGIC respectfully states as follows:

1. The Motion is untimely and inappropriate, and should be denied. The Attorney General for the State of Michigan now – more than three (3) weeks after parties filed pretrial briefs and over a month since this Court entered its pretrial scheduling order¹ – seeks the opportunity to file a brief in response to the joint pretrial brief that FGIC and other objecting parties submitted with respect to the DIA Settlement (the “**Pretrial Brief**”). As the Attorney General admits in the Motion, the most recent scheduling order did not allow for the filing of response briefs, nor did any prior version of this scheduling order. Throughout the various iterations of the scheduling order and the numerous pretrial scheduling conferences with this

¹ *Eighth Amended Order Establishing Procedures, Deadlines and Hearing Dates Relating to the Debtor’s Plan of Adjustment*, entered on August 13, 2014 [Docket No. 6699].

Court, the Attorney General never took the opportunity to request this relief, and only now seeks to do so having had an opportunity to review the Pretrial Brief.

2. All of the parties in this proceeding were subject to the simultaneous briefing requirement in the Court's scheduling order and will have the opportunity to raise arguments during closing at the confirmation trial. No other party has asked for an opportunity to file a responsive brief, and the Attorney General should not be permitted to do so now.

3. Based upon the foregoing FGIC requests that the Court deny the Motion, strike the Attorney General's response brief from the docket [Docket No. 7590], and grant such other and further relief as the Court may deem just and proper.

Dated: September 19, 2014
Houston, Texas

/s/ Alfredo R. Pérez
Alfredo R. Pérez
WEIL, GOTSHAL & MANGES LLP
700 Louisiana Street, Suite 1700
Houston, TX 77002
Telephone: (713) 546-5000
Facsimile: (713) 224-9511
Email: alfredo.perez@weil.com

– and –

Ernest J. Essad Jr.
Mark R. James
WILLIAMS, WILLIAMS, RATTNER &
PLUNKETT, P.C.
280 North Old Woodward Avenue, Suite 300
Birmingham, MI 48009
Telephone: (248) 642-0333
Facsimile: (248) 642-0856
Email: EJEssad@wwrplaw.com
Email: mrjames@wwrplaw.com

*Attorneys for Financial Guaranty Insurance
Company*

CERTIFICATE OF SERVICE

I hereby certify that on September 19, 2014 the *Objection of Financial Guaranty Insurance Company to Ex Parte Motion of the Attorney General for Order Allowing Response Brief* was filed and served via the Court's electronic case filing and noticing system to all registered users that have appeared in this Chapter 9 proceeding.

/s/ Alfredo R. Pérez
Alfredo R. Pérez
WEIL, GOTSHAL & MANGES LLP
700 Louisiana Street, Suite 1700
Houston, TX 77002
Telephone: (713) 546-5000
Facsimile: (713) 224-9511
Email: alfredo.perez@weil.com

Dated: September 19, 2014
Houston, Texas